IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3213 of 2005

Between:

M/s. Miracle Cosmetci Products, Shed No. 8-4-52/2/C, Mailadevpally Village, Rajendranagar Mandal, Ranga Reddy District, rep by Mohd. Azamathullah Shereff,
S/o. Mohd. Shanawaz Sharef, aged about 30 years

..... PETITIONER

AND

1 The Principal Secretary, Agriculture & Cooperation,
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 Commissioner & Director of Agriculture, Government of AP, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly a writ in the nature of mandamus declaring the action of the 1st respondent in not disposing of the appeal or the stay application filed on 17-2-2005 against the 2nd respondent's orders dated 31-1-2005 in PP.II(1)2131/ 2002 as being illegal, arbitrary and violative of Articles 14, 19, 21 and 300-A of the constitution of India and consequently direct the respondent NO. 1 to dispose off the appeal forthwith.

Counsel for the Petitioner: MR.P.SUDHEER REDDY

Counsel for the Respondents: GP FOR AGRICULTURE

The Court made the following :

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.3213 OF 2005

ORDER:

Petitioner is a manufacturer of mosquito coils. Proceedings were initiated against it under the provisions of Insecticides Act, 1968. After issuing show cause notice dated 1.12.2004 and considering the explanation dated 27.12.2004, the Commissioner and Director of Agriculture cancelled the licence of the petitioner under Section 14 of the Act through his order dated 31.1.2005. The petitioner claims to have preferred an appeal before the first respondent together with an application for stay.

Heard the learned counsel for the petitioner and the learned Government Pleader for respondents.

The petitioner availed the remedy of appeal under Section 15 of the Act. The first respondent is conferred with the power to grant interim orders in deserving cases. The cancellation of the licence had disabled the petitioner from functioning. The question as to whether the licence has been cancelled for the alleged violation or not, has to be considered by the first respondent at the time of hearing the appeal, but the application seeking stay cannot be kept pending indefinitely.

Hence, the writ petition is disposed of directing that the first respondent shall pass appropriate orders in the application seeking stay, filed by the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

Mdaa. 25.2.2005.

..... REGISTRAR

// TRUE COPY /

SECTION OFFICER

To

1 The Principal Secretary, Agriculture & Cooperation,
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 Commissioner & Director of Agriculture, Government of AP, Hyderabad.

3. Two C.Cs to G.P.for Agriculture, High Court of A.P., Hyderabad (OUT).

4) 2 CD copies

5) 1 CC to MR.SUDHEER REDDY

Form-NIC-OGS/WP{*RLD****}***